



## SAN LUIS OBISPO COUNTY

# DEPARTMENT OF PLANNING AND BUILDING

Promoting the wise use of land – Helping to build great communities

**TO:** Board of Supervisors

**FROM:** Terry Wahler, Senior Planner, Current Planning

**VIA:** Ellen Carroll, Environmental Coordinator

**DATE:** December 17, 2013

**SUBJECT:** Submittal of a resolution approving a land conservation contract (AGP2010-00013) for John M. Gardner, Successor Trustee of the Gardner Family Trust Under Trust Agreement Dated September 1, 1989 pursuant to the California Land Conservation Act of 1965. District 3

### Recommendation

Adopt and instruct the chairperson to sign the resolution approving the land conservation contract.

### Discussion

The land subject to the contract is part of an agricultural cluster subdivision, (Vesting Tentative Parcel Map and Conditional Use Permit CO10-0025/SUB2007-00055). When recorded, the parcel map, consisting of approximately 124.33 acres, will result in the creation of three clustered residential parcels of 3.39, 3.34, and 5.0 acres each (totaling 11.73 acres) and an open space agricultural parcel of approximately 112.6 acres.

In 2011 the landowner applied for an agricultural preserve and land conservation contract to satisfy the Inland Land Use Ordinance requirement for Agricultural Lands Clustering (Section 22.22.150) and the related conditions of approval. The land conservation contract is being included with the parcel map approval package for simultaneous approval with the final map because the open space parcels do not yet exist in the proposed configuration.

The land owner is required to place the agricultural portion of the subdivision into a Williamson Act agricultural preserve and land conservation contract, and also to either transfer the open space land to a non-profit entity or enter into a permanent agricultural open-space easement to comply with open space provisions contained in the Land Use Ordinance for agricultural cluster subdivisions.

Attachment A is the resolution and Attachment B is the standard form land conservation contract for the new contract.

### **Other Agency Involvement**

The Agricultural Preserve associated with the land conservation contract (Edna Valley Agricultural Preserve No. 41) was approved by your Board on October 25, 2011. The Agricultural Preserve Review Committee reviewed, and recommended approval of the Agricultural Preserve and Land Conservation Contract on July 18, 2011. The Agricultural Preserve Review Committee includes representatives from the Agricultural Liaison Committee, the Assessor's Office, the Agricultural Commissioner and the Farm Advisor's office. County Counsel reviewed and approved the resolution and contract as to form and legal effect.

### **Financial Considerations**

Approval of land conservation contracts usually results in a significant reduction in county tax revenues received from the affected properties. Revenue losses have been in past years only partly compensated by state subventions but no subventions have been received since 2008/2009. However, the overall tax impacts should be considered on a program-wide basis rather than on an individual application basis.

The Assessor's Office has provided a preliminary estimate of the potential reduction in assessment value for the property being considered. Because the property has been owned by this land owner for many years and the 1975 Base Year (Proposition 13) will be lower than the Williamson Act restricted rate, the Assessor's staff concluded that there would be negligible change in assessment values as a result of the new contract.

### **Results**

The approval and recording of the land conservation contract will continue to keep the subject property in agricultural and compatible uses for a minimum term of ten years.

### **Attachments**

Attachment A - Resolution

Attachment B - Land Conservation Contract with Exhibit and Vicinity Map